

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:

Thomas Gordon Gaither, Sr.
430 Janet Avenue
Winston Salem, NC 27104

Shelvy P. Gaither
430 Janet Avenue
Winston Salem, NC 27104

SS# xxx-xx-5454SS# xxx-xx-2683

Debtor(s)

Case No. 14-50426Chapter 13

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on April 21, 2014.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$1,430.00** per month for a period of **50** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs**1. Attorney fees.**

- ☐ The attorney for the Debtor will be paid the base fee of \$3,700.00. The Attorney has received \$_____ from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☒ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

2. Trustee costs. The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses**III. Priority Claims**

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Civil Processing Clerk	\$0.00
Forsyth County Tax Office	\$147.64
Internal Revenue Service	\$3,883.70
NC Department of Commerce	\$0.00
NC Department of Revenue	\$357.00
United States Attorney General	\$0.00

IV. Secured Claims**1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
BSI Financial Services	Single family home located at 430 Janet Avenue, Winston Salem NC 27104	N	N	\$815.62	\$20,107.85	
Martha Gaither	Alimony arrears	NR	N	\$320.00	\$1,600.00	

2. Personal Property Secured Claimsa. ☒ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
Winston Salem Federal Credit Union	Personal loan

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
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Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 0 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☒ None
- b. Other classes of unsecured claims and treatment
- c. Other Special Terms

Date: April 28, 2015

/s/ John Lawson

John Lawson 38687

Attorney for the Debtor

Address: **Legal Aid of North Carolina, Inc.**

Post Office Box 20188

Winston Salem, NC 27120-0188

Telephone: **(919) 771-5591**

State Bar No. **38687**

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re:)	
Thomas Gordon Gaither, Sr.)	NOTICE TO CREDITORS
Shelvy P. Gaither)	AND
)	PROPOSED PLAN
SS# xxx-xx-5454)	
SS# xxx-xx-2683)	Case No. 14-50426
Debtor(s))	

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402

Kathryn L. Bringle
Chapter 13 Trustee
Winston-Salem Division
Post Office Box 2115
Winston-Salem, NC 27102-2115

Allegacy Federal Credit Union
1691 Westbrook Plaza Dr.
Winston Salem, NC 27103

Apria HealthCare
3845 Shopton Road
Charlotte, NC 28217

Bank of America
P.O. Box 982235
El Paso, TX 79998-2235

BSI Financial Services
P.O. Box 517
Titusville, PA 16354-0517

BSI Financial Services
314 S. Franklin Street
Titusville, PA 16354

Chrysler Capital
P.O. Box 961275
Fort Worth, TX 76161

Civil Processing Clerk
United States Attorney
P.O. Box 1858
Greensboro, NC 27402

Comenity Bank/Lane Bryant
P.O. Box 182789
Columbus, OH 43218

Consumer Cellular
P.O. Box 7175
Pasadena, CA 91109-7175

Diversified Consultants
P.O. Box 551268
Jacksonville, FL 32255

EOS CCA
700 Longwater Drive
Norwell, MA 02061

First Premier Bank
601 S. Minnesota Avenue
Sioux Falls, SD 57104

Firstpoint Collection Resources
P.O. Box 26410
Greensboro, NC 27402

Forsyth County Tax Office
PO Box 82
Winston Salem, NC 27102

Forsyth Plastic Surgical Association
2901 Maplewood Avenue
Winston Salem, NC 27103

GECRB/Walmart
P.O. Box 965024
Orlando, FL 32896-5024

HSBC Bank
P O Box 5253
Carol Stream, IL 60197

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

Interstate Credit Collection
711 Coliseum Plaza Ct.
Winston Salem, NC 27106-5300

J. Albert Denton, DDS
2438 Reynolda Road
Winston Salem, NC 27106

Martha Gaither
230 Sunview Road
Winston Salem, NC 27105

Martha Gaither
c/o W. Eugene Metcalf
Metcalf & Beal, LLP
380 Knollwood Street, Suite 450
Winston Salem, NC 27103

Medicredit, Inc.
13730 S. Point Boulevard
Charlotte, NC 28273

Nationwide Insurance
One Nationwide Plaza
Columbus, OH 43215-2220

NC Department of Commerce
Division of Employment Security
P.O. Box 26504
Raleigh, NC 27611

NC Department of Revenue
P.O. Box 25000
Raleigh, NC 27640

NCO Financial Services
P.O. Box 15636
Wilmington, DE 19850

OSC
P.O. Box 25626
Winston Salem, NC 27114

Professional Credit
2892 Crescent Avenue
Eugene, OR 97408-7397

Receivable Performance
1930 220 Street, Suite 101
Lynnwood, WA 98036

Salem Family Practice
105 Vest Mill Cir
Winston Salem, NC 27103

Shapiro and Ingle
10130 Perimeter Parkway
Suite 400
Charlotte, NC 28216

Shatese M. Gaither
2 Salem Garden Dr., Apt D
Winston Salem, NC 27107

Sprint
6391 Sprint Parkway
Overland Park, KS 66251-4300

State Collection Service, Inc.
2509 South Stoughton Road
Madison, WI 53716

T-Mobile
Bankruptcy Team
P.O. Box 53410
Bellevue, WA 98015-3410

Time Warner Cable
P.O. Box 70872
Charlotte, NC 28272

Triad Radiology
3010 Trenwest Dr
Winston Salem, NC 27103

Trustee Service of Carolina, LLC
c/o Brock & Scott
5431 Oleander Drive, Suite 200
Wilmington, NC 28403

United States Attorney General
5137 Robert F. Kennedy Bldg.
10th St. & Constitution Ave. N.W.
Washington, DC 20530

Verizon Wireless
P O Box 26055
Minneapolis, MN 55426

Winston Salem Federal Credit Union
711 E. Salem Avenue
Winston Salem, NC 27101-5365

Date: April 28, 2015

/s/ John Lawson
John Lawson 38687